

Remarks

The specification has been amended at p.80 line 24 to correct an alleged typographical error with respect to the word "oncological". Applicants' text shows the spelling to be correct. A substitute page 80 is transmitted herewith.

5

Applicants have carefully considered the Examiners objections and grounds of rejection.

Applicants continue to traverse the amended, now final restriction requirement. Applicants reserve the right to file a divisional, continuation, or continuation in part application directed to 10 claims 6 and 7, cancelled herewith without prejudice thereto.

Applicants have noted the Examiner's rejection of Claim 1 under 35 USC112 2nd. The Examiner's position of in clarity is understood although this language has been accepted by the USPTO in the past. In order to advance this application, applicant's undersigned attorney 15 discussed this issue with the Primary Examiner Anish Gupta who indicated the replacement of the unclear phrases with the term "is absent" would be acceptable, provided it could be shown from the body of the specification that this would not be new matter. This is readily done with respect to A⁰. For example Peptides 15 – 19 show the presence of A⁰ groups while Peptides 68-78 on page 7 of the specification do not show any values of A⁰ between R₁ and A¹ thus supporting the 20 equivalence of "a carbon-nitrogen single bond" with "absent".

Similarly it is noted that these Peptides, in contrast to Peptides 53 to 58 DO NOT show A³⁰ groups but do show NH₂ which is an R₂ group, thus supporting language that A³⁰ is absent. In any event in the last clause of the claim it is clearly stated that where A²⁹ is Agm, A³⁰ is absent, 25 hence the presence of this phraseology earlier in the claim should not be considered new matter,

Claim 5 has been amended to remove Peptide 27, and is therefore believed to be allowable.

30 Claim 21 has been cancelled herewith without prejudice to filing a divisional, continuation, or continuation in part application directed thereto.

Applicants do not traverse a portion of the Examiner's arguments with respect to claims 23-28. However if claims 23-28 are withdrawn, the language of claim 22 is considered to be too 35 restrictive, it has therefore been broadened, but in view of the position taken by the Examiner this is not believed to constitute new matter. Claims 23-28 are therefore cancelled herewith without prejudice to filing a divisional, continuation, or continuation in part application directed thereto.

In view of the foregoing comments and amendments, it is respectfully submitted that the application is in condition for allowance and prompt passage to issue is respectfully requested

Respectfully submitted



5

Omri M. Behr
Reg #22940
Cust #47375

10

The Behr Office
325 Pierson Ave.,
Edison NJ 08837-3123
T 908 202 5806
FX: 732 494 6258

15

E mail : bepat@prodigy.net